

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY C. ANDERSON,

Defendant.

CASE NO. 8:04CR531

MEMORANDUM AND ORDER

This matter is before the Court on a Report and Recommendation (Filing No. 23) of a Magistrate Judge recommending that I accept the Defendant's plea of guilty. There are no objections to the Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 11.2(d), the Court has conducted a de novo review of the record.

The Court notes that the statutes of conviction appear to be 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D),¹ and § 841(b)(1)(D) provides for a supervised release term of at least 2 years.²

IT IS ORDERED:

1. The Report and Recommendation (Filing No. 23) is adopted;
2. The Defendant is found guilty. The plea is accepted. The Court finds that the plea of guilty is knowing, intelligent, voluntary, and that a factual basis exists for the plea;

¹The second statute is cited as 21 U.S.C. § 841(b)(D) in the Information and plea agreement.

²The plea agreement states "at least 3 years," and the Defendant was so advised at the change of plea hearing.

3. I defer acceptance of the plea agreement until the time of sentencing pursuant to Federal Rule of Criminal Procedure 11(c)(3). Unless otherwise stated at the time of sentencing, the plea agreement will be deemed accepted upon the pronouncement of the judgment and sentence; and
4. This case shall proceed to sentencing.

DATED this 13th day of June, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge